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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/824,484	03/30/2001	Steve A. DeLuca	MSFT116242	1522

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EXAMINER

BAUTISTA, XIOMARA L

ART UNIT	PAPER NUMBER
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2179

DATE MAILED: 06/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/824,484

Applicant(s)

DELUCA ET AL.

Examiner

X. L. Bautista

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 and 32-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 and 32-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see amendment, filed 4/7/06, with respect to the rejection(s) of claim(s) 1-7, 9-11 and 32-34 under 35 USC 102 and claim(s) 8 and 12-19 under 35 USC 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Coelho et al, Englefield, Goodman et al and Collier et al.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claim 1-5, 7, 9-11 and 32-34 rejected under 35 U.S.C. 103(a) as being unpatentable over *Coelho et al* (US 6,128,016) and *Englefield* (US 5,896,491).**

Claims 1, 7 and 32:

Coelho discloses a graphical user interface for managing server systems operation and performance. Coelho teaches a computing device interface for

centrally controlling a plurality of networked computing devices (col. 2, lines 8-24). Coelho teaches displaying a set of icons that represent network computing devices that when selected by the user activate a mechanism that provides numerical values as output, the values being used by the main control procedures that initiates the required sequence of procedures/operations (figs. 2-5; col. 4, lines 60-67; col. 5, lines 1-11, 37-64; col. 8, lines 53-67; col. 9, lines 1-31).

Coelho does not teach displaying a set of graphical action icons for selection by a user, wherein each action icon is representative of at least one action to be executed by a computing device. However, Englefield discloses a graphical user interface that permits a user to graphically represent operations that can later be selected for execution. Englefield explains that data manipulation operation can be graphically represented with a single icon that can be selected for execution. Englefield teaches that the user may select an icon that represents processing operations, then the user may select a set of data items, so that the system performs the processing operations represented by the selected icon on the set of selected data items (col. 2, lines 16-58; col. 9, lines 8-33). Therefore, it would have been obvious to one ordinarily skilled in the art at the time the invention was made to modify Coelho's teaching of managing a server system to include Englefield's teaching of executing functions associated with function icons because, as Englefield says, the sequence of processing is more efficient because the user knows what

process will be applied at the time of selecting the data.

Claims 2-4, 33 and 34:

See claim 1. Coelho teaches a number of instructions corresponding to actions represented by icons wherein execution of respective instructions causes one or more devices to execute the instructions (col. 5, lines 54-64; col. 6, lines 53-67; tables I and II; col. 9, lines 1-31).

Claim 5:

Coelho teaches a control for modifying instructions (col. 2, lines 51-64; col. 10, lines 63-67; col. 11, lines 1-36).

Claim 9:

Coelho teaches a server computer (figs. 1a, 1b).

Claim 10:

Coelho teaches a software framework facility (col. 3, lines 35-41).

Claim 11:

Coelho teaches a processor, a memory and an operating environment (figures 1-4).

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Coelho/Englefield* and *Goodman et al* (US 7,020,697 B1).

Claim 6:

Englefield teaches function icons and Coelho teaches a navigation model (template) for requesting information, setting values, and managing (planning) devices (abstract; col. 8, lines 33-42; col. 10, lines 63-67; col. 11, lines 1-18) but Coelho/Englefield does not teach implementing capacity planning in the network computing devices represented by icons. However, Goodman discloses an architecture for netcentric computing systems that has quality management tools that support planning and measurement of quality in the enterprise (col. 9, lines 1-12; abstract); and performance monitoring tools that help ensure that the available resources are sufficient to meet the developers' performance requirements, the tools being used to assess performance of different processes (col. 52, lines 17-22, 57-65; col. 53, lines 25-33, 65-67; col. 54, lines 1-4; col. 57, lines 44-51, 60-63). Goodman teaches service management components including capacity planning components that represent tools for gathering utilization data from various elements of an environment (col. 135, lines 22-67; col. 136, lines 7-17). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of invention to modify Coelho/Englefield's invention to include Goodman's teaching of measuring and analyzing the elements of an environment or the nodes of a network to perform capacity planning because it provides the user with accurate information of the computing devices, the information indicating the device's measured utilization and

performance so that users may play for future capacity needs.

5. Claims 8 and 12-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Coelho/Englefield* and *Collier et al* (US 5,815,152).

Claim 8:

See claim 1. Coelho/Englefield does not teach that action icons can assign a common priority for a corresponding action to each computing device represented by the selected graphical computing device icon. However, Collier discloses a method for defining graphic rules, wherein routing objects on a condition leg can be an automated task or a parallel object. A parallel routing object is a collection of tasks, which can be performed concurrently. All tasks defined as part of the parallel routing object must be completed prior to the system routing the case to the next task defined in the process (col. 8, lines 4-25). Therefore, it would have been obvious to an artisan in the art at the time the invention was made to modify Coelho/Englefield's system to include Collier's teaching of selecting a common priority (same time) to perform an action (task) for a group of objects (device icons) because it enables the user to determine what objects or group of objects will execute what action and synchronize the time of execution.

Claim 12:

See claim 8. Coelho/Englefield does not teach displaying a group of actions as

an action icon and a group of computing devices as a computing device icon on the display, and instructing each computing device represented by the computing device icon to execute the group of actions represented by the action icon. However, Collier teaches a condition leg, which may have a series of action objects (col. 7, lines 22-35). Collier teaches that the user may create multiple rules, which are represented by a single icon (col. 3, lines 42-54; col. 4, lines 55-67). The user can also add more conditions to a rule (col. 5, lines 17-34; col. 7, lines 7-8, 22-40).

Claim 13:

See claim 12. Collier teaches that an action object is an icon representing a specific action to be executed by the system. The user drags the action object off the toolbar to the condition leg and drops the action object on top of the condition leg (col. 7, lines 31-35).

Claims 14 and 15:

See claims 1 and 2. Coelho/Englefield/Collier teaches instructions that correspond to groups of actions represented by action icons, wherein the archive file is a script file.

Claim 16:

See claim 12. Coelho/Englefield/Collier teaches user selection of an executable file and instructing a computing device corresponding to a selected device icon to execute the group of actions corresponding to a selection action icon.

Claim 17:

Coelho teaches a mouse as a user interface selection device (fig. 2; col. 5, lines 54-59).

Claim 18:

Coelho teaches a server computer (figs. 1a, 1b).

Claim 19:

Coelho teaches a software framework facility (col. 3, lines 35-41).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bishop discloses an enterprise management system for monitoring and controlling large, growing and complex networks. Bishop teaches a centralized management system for managing a network site having a manager engine computer capable of monitoring, storing and acting upon, network state information (col. 1, lines 51-65; col. 2, lines 15-67). Bishop teaches displaying a set of graphical action icons for selection by a user, the action icons (ME icon) representing one or more actions to be executed by a computing device (col. 11, lines 1-9, 63-67; col. 12, lines 1-10, 16-26; 64-67; col. 13, lines 1-10); displaying a set of graphical computing device icons (node; management element (ME)) each representing a computing

device (col. 5, lines 48-67; col. 6, lines 30-43). Bishop teaches ME Icons (figs. 44-47 and 50; col. 14, lines 21-53), which represent network components (fig. 44; col. 11, lines 1-50) having an invoke/execute icon (figs. 47 and 50), which when selected by the user, invokes methods, scripts, jobs, or commands (fig. 49). Bishop teaches that when the operator clicks on the "properties" icon, the user is enabled to change configuration, and that the commands available through the execute "!" icon can be executed on all the children of the ME (col. 12, lines 64-67; col. 13, lines 1-11). Bishop teaches instructing each network computing device represented by a selected graphical computing device icon (ME icon) to execute the instructions represented by the selected graphical action icon (invoke/execute icon), (col. 5, lines 44-67; col. 6, lines 1-2, 16-43; col. 10, lines 26-30; col. 14, lines 21-55).

Ishai et al discloses a graphical user interface that permits a user to designate a range within data files as input to operations that manipulate the data and permits the user to graphically represent operations that can be selected for execution (abstract; col. 2, lines 20-59; col. 3, lines 1-7; col. 6, lines 8-59; col. 7, lines 1-15, 33-41, 47-53, 63-65; col. 8, lines 66-67; col. 9, lines 1-9, 65-67; col. 10, lines 1-24; col. 10, lines 25-67; col. 20, lines 1-67).

McMillan discloses a system that supports drag and drop operations. McMillan explains that the system is context sensitive and that it supports scripting language that will allow the drag/drop metaphor to have complex actions

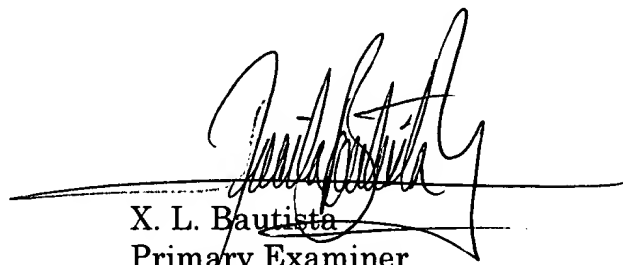
performed on the object being acted upon by the user (col. 1, lines 65-67; col. 2, lines 1-8, 11-18, 62-67; col. 3, lines 1-3, 17-25; col. 4, lines 33-60).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to X. L. Bautista whose telephone number is (571) 272-4132. The examiner can normally be reached on Monday-Thursday 8:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like

assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



X. L. Bautista
Primary Examiner
Art Unit 2179

xlb
June 21, 2006